



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

November 25, 2008

Dr. Roy E. Crabtree
Regional Administrator
Southeast Regional Office
National Oceanic and Atmospheric Administration
263 13th Avenue South
St. Petersburg, Florida 33701

Subject: EPA NEPA Comments on NOAA's FEIS for Snapper-Grouper
Amendment 16; South Atlantic Fishery Management Council; South
Atlantic Region; CEQ No. 20080450; ERP No. NOA-E91023-00

Dear Dr. Crabtree:

Consistent with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the National Oceanic and Atmospheric Administration's (NOAA) Final Environmental Impact Statement (FEIS) for Snapper Grouper Amendment 16. The FEIS was prepared by the National Marine Fisheries Service (NMFS) with the assistance of the South Atlantic Fishery Management Council (Council). EPA has recently commented on the Supplemental Draft EIS (SDEIS) for Amendment 16 in a letter dated June 3, 2008. Overall, EPA continues to support Amendment 16.

Amendment 16 is to end overfishing for the gag grouper (*Mycteroperca microlepis*) and vermilion snapper (*Rhomboplites aurorubens*). Specifically, it provides interim catch allocations to both the commercial and recreational sectors, updated management reference points, requirements for reducing bycatch, and follow-up options for the NMFS Regional Administrator (RA) to adjust management measures.

Page V states that "[t]he following section satisfies NEPA's requirement for responding to comments on the draft and supplemental impact statements (DEIS and SDEIS)." We appreciate that formal responses were provided in the FEIS (pp. V-IX), as well as the associated modifications to the DEIS in the FEIS text.

EPA has no additional substantive comments to offer on the FEIS. We will defer to the fishery expertise of NOAA/NMFS and the Council for the completion and implementation of the Amendment 16. However, we offer the following observations:

* Comment 2 Response (pg. VI: Updated SEDAR Data) – This response states that "[t]he establishment of allocations by the Council is unrelated to the SEDAR stock assessment process." We agree that setting allocations can be independent from final SEDAR data

since the allocations are only percentages. However, the response also references Amendment 16's proposed RA management adjustments. We agree that the RA should have this discretion for various Amendment issues that may arise. However, it would seem to have been prudent to time the issuance of the amendment with the completion of the pending benchmark assessment so that it could be current – particularly since the assessment is to be reviewed shortly (12/08) with age data expected to be different from the previous one being used for Amendment 16 – rather than expect to use the RA's adjustment option in the near future. We recognize that there may be an administrative timeline regarding the issuance of Amendment 16, as suggested on page VI ("in order to proceed with an amendment...").

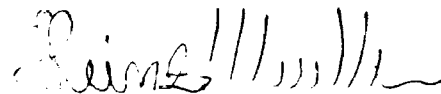
We defer to the NOAA/NMFS and the Council in this regard but wish to emphasize that, whenever feasible, the most updated data should be used for amendments. While the "best available science" is being used according to the response, it appears that that information may change in the near future.

* Comment 7 Response (pg. IX: Circle Hooks) – We are somewhat surprised that apparently little information is available on the benefits of circle hooks over J-hooks for snapper-grouper species. We look forward to the proposed separate amendment on this topic.

Although we believe that circle hooks would be beneficial for harvesting commercial species (e.g., setting longlines) to reduce the capture of bycatch and/or increase the survival of bycatch, we note that circle hooks may not be desirable from a sport fishing perspective for species such as vermillion snapper. However, if used by anglers, circle hooks should reduce hook injuries to regulatory discards compared to J-hooks. However, neither type of hook would seem to reduce the fish trauma associated with experiencing rapid pressure changes when anglers surface hooked fish from reefs in deep waters.

We appreciate the opportunity to review the FEIS. Should you have questions regarding these comments, feel free to contact Chris Hoberg of my staff at 404/562-9619 or hoberg.chris@epa.gov.

Sincerely,



Heinz J. Mueller, Chief
NEPA Program Office
Office of Policy and Management

cc: Dr. Rodney F. Weiher – NEPA Coordinator (NOAA): Silver Spring, MD